

9 STATEMENT OF OVERRIDING CONSIDERATIONS - *revised*

The Partially Revised Final Program EIR and the CEQA Findings of Fact conclude that implementing the Preferred Pacheco Pass Network Alternative will result in significant impacts to the environment that cannot be avoided or substantially lessened with the application of feasible mitigation strategies or feasible alternatives. This Statement of Overriding Considerations is therefore necessary to comply with CEQA (Pub. Resources Code, § 21081) and the State CEQA Guidelines (§ 15093). The significant and unavoidable impacts and the benefits related to implementing the HST system in the Bay Area to Central Valley study region via the Preferred Pacheco Pass Network Alternative are described below. The Authority Board has carefully weighed these impacts and benefits of the Preferred Pacheco Pass Network Alternative. As described below, the Authority finds that the benefits of the Preferred Pacheco Pass Network Alternative outweigh the significant and unavoidable environmental impacts.

This Statement of Overriding Considerations must be understood in its programmatic context. The level of analysis provided in the Partially Revised Final Program EIR is less detailed than that typically provided in a project-level EIR, such as for approval of a development project at a particular location. Because a program EIR necessarily provides less detailed analysis and less detail concerning mitigation, it is not always possible to conclude with certainty that the adoption of the identified mitigation strategies at the program level will reduce adverse impacts to a less-than-significant level. In some instances, although the Authority is confident that its range of mitigation will avoid or substantially lessen adverse impacts, it cannot conclude with certainty that this will be the case until project-level data is available. This is particularly true for certain terrestrial impacts, where the precise scope of the impact and the adequacy of the adopted mitigation strategies cannot be determined until the Authority selects a specific alignment. For these areas of uncertainty, the Authority is choosing to override the adverse impacts even though at the project level it may conclude that an impact can in fact be mitigated to a less-than-significant level.

9.1 General Findings on Significant and Unavoidable Impacts Associated with the Preferred Pacheco Pass Network Alternative

Based on the Partially Revised Final Program EIR and the CEQA Findings of Fact contained herein, as well as the evidentiary materials supporting these documents, the Authority finds that implementing the Preferred Pacheco Pass Network Alternative could result in the following list of significant and unavoidable impacts to the environment:

Traffic, Circulation, and Transit

- Increased station area traffic (including impacts on San Jose station related to phased implementation)
- Increased traffic related to Monterey Highway narrowing
- Increased traffic related to potential lane closures on the San Francisco Peninsula
- Impacts to connecting commuter rail services

Noise and Vibration

- Exposure to ground-borne vibration from operations and construction, including potential for movement of freight to outside tracks on San Francisco Peninsula

Land Use Impacts and Station Area Development

- Long-term land use compatibility impacts with HST operations
- Impacts to neighborhoods during construction

Agricultural Lands

- Severance of Prime, Statewide Important, and Unique Farmlands, and Farmlands of Local Importance, due to project uses

Aesthetics and Visual Resources

- Long-term aesthetic impacts from introduction of a new visual feature
- Short-term visual quality impacts due to construction

Cultural and Paleontological Resources

- Impacts to archaeological resources and traditional cultural properties
- Impacts to historic properties/resources
- Impacts to paleontological resources

Biological Resources and Wetlands

- Impacts to sensitive habitats and sensitive vegetation communities
- Impacts to wildlife movement corridors
- Impacts to non-wetland jurisdictional waters
- Impacts to wetlands
- Impacts to marine and anadromous fisheries
- Impacts to special status species
- Impacts to protected habitats and conservation areas

Public Parks and Recreation

- Impacts to parks and recreation resources

Cumulative Impacts

- Cumulative traffic impacts
- Cumulative vibration impacts
- Cumulative land use compatibility impacts
- Cumulative impacts associated with agricultural land severance
- Cumulative aesthetic impacts
- Cumulative impacts to cultural resources
- Cumulative impacts to biological resources
- Cumulative impacts to parks and recreation

The Authority further finds that the while the mitigation strategies it adopts as part of the CEQA Findings of Fact are very likely to avoid or substantially lessen many of the foregoing environmental impacts, and mitigation adopted to address one subject area may result in beneficial effects in other subject areas, it cannot find with certainty that these impacts will be fully mitigated absent the more detailed information that will be available at the project-level. For this reason, and out of an abundance of caution, the Authority chooses to make a statement of overriding considerations that encompasses all of the foregoing at the program level. It is the Authority's intent that the mitigation strategies will be refined and applied at the project level, and augmented to the degree necessary, to ensure that impacts are fully mitigated to the extent feasible.

9.2 Overriding Considerations for the HST System and for the Preferred Pacheco Pass Network Alternative

There are numerous benefits of the HST system as a whole, and of the Preferred Pacheco Pass Network Alternative, which outweigh the significant and unavoidable adverse effects of implementing the Preferred Pacheco Pass Network Alternative in the Bay Area to Central Valley study region. These benefits are in the areas of transportation, the environment, land-use planning, economics, and social considerations. Many of these benefits are documented in the 2012 Partially Revised Final Program EIR, which considered a scenario in which the entire 800-mile high-speed train system would be operating and generating benefits in 2030. The following identified benefits include information consistent with the Program EIR to represent the high end of the range of benefits. Additional information on the lower end of the range of benefits anticipated in 2030 is also provided, based on the scenarios and information in the Revised 2012 Business Plan. This information illustrates that while benefits would be lower in 2030 under the Revised 2012 Business Plan scenarios, benefits remain and would still accrue over time for many decades into the future.

9.2.1 Benefits of the Statewide High-Speed Train System

Transportation Benefits

The capacity of California's intercity transportation system is insufficient to meet existing and future demand, and the current and projected future congestion of the system will continue to result in deteriorating transportation conditions, reduced reliability, and increased travel times. The system has not kept pace with the tremendous increase in population, economic activity, and tourism in California. The interstate highway system, commercial airports, and conventional passenger rail system serving the intercity travel market are operating at or near capacity and will require large public investments for maintenance and expansion to meet existing demand and future growth over the next 20 years and beyond. Moreover, the ability to expand major highways and key airports is uncertain; some needed expansions may be impractical or may be constrained by physical, political, or other factors.

The HST system will provide a solution to many of the State's existing and looming transportation problems. It will meet the State's need for a safe and reliable mode of travel linking the major metropolitan areas of the state and deliver predictable, consistent travel times sustainable over time. The HST system will provide quick, competitive travel times between California's major intercity markets. The passenger cost for travel via the HST service will be lower than for travel by automobile or air for the same intercity markets.

By providing a new intercity, interregional, and regional passenger mode, the HST system will improve connectivity and accessibility to other existing transit modes and airports. Travel options available in the Central Valley and other areas of the state with limited bus, rail, and air service for intercity trips will be improved. The HST system also provides system redundancy in cases of extreme events such as adverse weather or petroleum shortages (HST trains are powered by electricity which can be generated from non-petroleum or petroleum-fueled sources; automobiles and airplanes currently require petroleum). The HST system will provide a predominantly separate transportation system that will be less susceptible to many factors influencing reliability, such as capacity constraints, congestion, and incidents that disrupt service.

The HST system will add capacity to the state's transportation infrastructure and reduce traffic on certain intercity highways and around airports to the extent that intercity trips are diverted to the HST system. Diversions from the automobile to HST could lead to a projected 2.3% statewide reduction in vehicles miles traveled on the highway system, or 9.74 billion vehicle miles traveled annually. An estimate of automobile VMT reductions for the Phase I Blended System identified in the Revised 2012 Business Plan yielded reductions in the range of 3-4 billion fewer vehicle miles traveled annually in 2030. Though benefits would accrue more slowly under the Revised 2012 Business Plan

scenarios than under the Program EIR assumptions, there are still substantial benefits in early years associated with VMT reductions under this lower range of benefits, and the benefits would continue to accrue for decades. It also will eliminate delays at existing at-grade crossings where the HST system will provide grade separation. The HST system also will decrease injuries and fatalities due to diversion of trips from highways, will improve connectivity, and will add a variety of connections to existing modes, additional frequencies, and greater flexibility.

Benefits to the Environment

In addition to reducing highway congestion, the HST system as a whole will provide substantial improvements in air quality, transportation energy efficiency, and noise. The HST system will decrease air pollutants statewide and in all air basins analyzed by reducing pollution generated by automobile combustion engines, as a result of decreased vehicle miles traveled by automobiles and decreased automobile congestion. Compared to the No Project scenario, the HST system will result in a reduction of 5.8 million barrels of oil and 3.4 million metric tons (6.8 billion pounds) of CO₂ emissions annually by 2030, consistent with helping the State's meet the CO₂ emissions reductions target in Assembly Bill 32. An estimate of CO₂ emissions reductions for the Phase I Blended System identified in the Revised 2012 Business Plan yielded emissions reductions in the range of 0.8 to 1.4 million metric tons annually in the year 2030. Though benefits would accrue more slowly under the Revised 2012 Business Plan scenarios than under the Program EIR scenario, there are still substantial benefits in early years associated with greenhouse gas emissions reductions, and the benefits will continue to accrue and build for decades. The HST system will also increase energy efficiency in transportation use because HST uses less energy to move passengers than either airplanes or automobiles: the HST system will use about one-third the energy needed by an airplane, about one-half the energy needed by an automobile for an intercity automobile trip, and one-fifth the energy needed by an automobile for a commuter automobile trip. In addition, noise reduction will occur in locations where grade separations eliminate horn and crossing gate noise at existing grade crossings.

The statewide HST system has minimized environmental impacts by utilizing existing transportation corridors. The preferred alignment alternatives and station location options for the system as a whole have been crafted to avoid and/or minimize the potential impacts to cultural, park, recreational and wildlife refuges to the greatest extent practicable. In this way, the HST system meets the purpose and need and project objectives for improving the State's transportation options, while doing so in an environmentally sensitive way.

Land Use Planning Benefits

The HST system will be highly compatible with local, regional, and state plans and policies that support rail systems and TOD and will offer opportunities for increased land use efficiency (i.e., higher density development and reduced rate of farmland loss). The HST system will promote transit-oriented, higher-density development around transit nodes as the key to stimulate in-fill development that makes more efficient use of land and resources and can better sustain population growth. The increased density of development in and around HST stations yields the additional public benefit of making public infrastructure improvements more cost-effective. Additionally, the HST system is expected to be a catalyst for wider adoption of smart growth principles in communities near HST stations.

The HST system will also meet the need for improved inter-modal connectivity with existing local and commuter transit systems. HST stations in California will be multi-modal transportation hubs. All the selected high-speed rail station locations will provide linkage with local and regional transit, airports, and highways. In particular, convenient links to other rail services (heavy rail, commuter rail, light rail, and conventional intercity) will promote TOD at stations by increasing ridership and pedestrian activity at these "hub" stations. A high level of accessibility and activity at the stations can make the nearby area more attractive for additional economic activity. Most of the potential stations identified for further evaluation at the project level are located in heart of the downtown/central city area of

California's major cities, minimizing potential impacts on the environment and maximizing connectivity with other modes of transportation.

Economic Benefits

The HST system will generate economic benefits related to revenue generated by the system, economic growth and jobs generated by construction and operation of the system, benefits from reduced delays to air and auto travelers, and economic advantages related to proximity to the HST system.

As noted in Chapter 1 of the 2008 Final Program EIR, the market for intercity travel in California is projected to grow substantially over the next 20 years. By 2030, the HST system is forecast to carry up to approximately 100 million intercity passengers and is expected to generate revenues that would substantially exceed operations and maintenance costs.

~~Construction of the HST system will generate the equivalent of almost 160,000 construction-related jobs statewide. Operations and maintenance of the HST system would generate approximately 450,000 permanent jobs statewide. The Revised 2012 Business Plan estimates that building Phase 1 of the high-speed train system would generate between 990,000 and 1.25 million job-years of employment, approximately 33% of which are direct construction jobs and the remaining jobs resulting from the multiplier effect of the project. Operations and maintenance jobs for Phase 1 of the high-speed train system range from 2,900 to 3,500.~~ In addition, the HST system would improve the economic productivity of workers engaging in intercity travel by providing an option to avoid the delays and unpredictability associated with air and highway travel. These economic benefits are in marked contrast to the cost of expanding airports and highways, which would be two to three times the cost of the HST system to meet the demand for 2030, even assuming this type of expansion is even feasible.

Finally, experiences in other countries have shown that an HST system can provide a location advantage to those areas in proximity to an HST station because an HST system would improve accessibility to labor and customer markets, potentially improving the competitiveness of the state's industries and the overall economy. Businesses that locate in proximity to an HST station could operate more efficiently than businesses that locate elsewhere. This competitive advantage may be quite pronounced in high-wage employment sectors that are frequently in high demand in many communities.

Social Benefits

The HST system would provide a new intercity, interregional, and regional passenger mode that would improve connectivity and accessibility to other existing transit modes and airports. The HST system would improve the travel options available in the Central Valley and other areas of the state with limited bus, rail, and air service for intercity trips and the passenger cost for travel via the HST system would be lower than for travel by automobile or air for the same intercity markets.

The HST system would provide an opportunity for some people who would not otherwise make trips to do so, e.g., where travel options are currently limited. In addition, HST is a mode of transportation that can enhance and strengthen urban centers. In combination with appropriate local land use policies, the increased accessibility afforded by the high-speed service could encourage more intensive development and may lead to higher property values around stations.

9.2.2 Benefits of the Preferred Pacheco Pass Network Alternative in the Bay Area to Central Valley Region

The benefits of the HST system as a whole are also benefits of the Preferred Pacheco Pass Network Alternative in the Bay Area to Central Valley study region. The Preferred Pacheco Pass Network Alternative also involves some benefits unique to the Bay Area to Central Valley study region that further

support the Authority's conclusion that the project's benefits outweigh its significant and unavoidable environmental impacts.

- The Preferred Pacheco Pass Network Alternative best serves the connection between northern and southern California with the greatest potential frequency and capacity, superior connectivity between the South Bay and Southern California, and fewer potential intermediate stops. Of the network alternatives examined, it is therefore best able to meet the purpose and need of the statewide HST system.
- The Preferred Pacheco Pass Network Alternative would result in a reduction in vehicle miles traveled (annual) of about 1.75%, or 716 million VMT, in the Bay Area (Alameda, Contra Costa, San Francisco, San Mateo and Santa Clara Counties) and 8.0%, or 3.69 billion VMT, in the Central Valley (San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, Kern and Kings Counties), creating improvements in highway congestion and reductions in air pollutant emissions.
- The Preferred Pacheco Pass Network Alternative is the network alternative could enable the early implementation of the HST/Caltrain section between San Francisco, San Jose, and Gilroy.
- The Preferred Pacheco Pass Network Alternative achieves the project purpose and objectives while minimizing the public safety concerns and technological challenges associated with known faults and other seismic hazards.
- The Preferred Pacheco Pass Network Alternative achieves the project purpose and objectives while minimizing environmental impacts and avoiding impacts on the San Francisco Bay.
- The Preferred Pacheco Pass Network Alternative has the advantage of fewer stops through the high-speed trunk of the system between San Francisco or San Jose and Southern California, thereby minimizing the potential for urban sprawl and resulting in fewer community impacts than other network alternatives that were studied.
- The U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency have concurred that the Preferred Pacheco Pass Network Alternative would most likely contain the least environmentally damaging practicable alternative (LEDPA). For this reason, the Preferred Pacheco Pass Network Alternative is the network alternative in the Bay Area to Central Valley study region that will have the highest likelihood of being efficiently planned, reviewed, and constructed.

9.3 Conclusion

Implementing the HST system in the Bay Area to Central Valley study region will result in significant environmental impacts, regardless of which network alternative is selected. The decision of how to implement the HST system in the Bay Area to Central Valley study region therefore involves a balancing of different types and degrees of environmental impacts in different locations. The Preferred Pacheco Pass Network Alternative will contribute to achieving the distinct benefits of the HST system as a whole, including improved transportation and reduced congestion, improved air quality, energy savings, and greater opportunities for smart-growth land use planning. At the same time, the Preferred Pacheco Pass Network Alternative minimizes adverse impacts on the environment and qualifies as the environmentally preferable alternative. The Authority therefore finds that the transportation, environmental, land use, economic, and social benefits of the Preferred Pacheco Pass Network Alternative outweigh the adverse environmental impacts that will remain after adoption and application of all mitigation strategies listed in this document.